

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

02-*P*-1529

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF
ELIZABETH MINNIFIELD IN THE AMOUNT
OF \$286.73 AGAINST THE CITY OF ATLANTA
AND FOR OTHER PURPOSES**

WHEREAS, ELIZABETH MINNIFIELD, has filed a claim against the City of Atlanta seeking damages to her vehicle; and

WHEREAS, the damage to ELIZABETH MINNIFIELD'S vehicle occurred when she drove over a construction site that was left open and in an unsafe condition; and

WHEREAS, the investigation of this claim determined that Creative Pipeline, a subcontractor of United Water Services Atlanta, installed a new fire hydrant at this location prior to Ms. Minnifield's incident; and

WHEREAS, the claim was forwarded to United Water Services Atlanta for payment, however, United Water Services Atlanta has denied Ms. Minnifield's claim and has based the denial on their assertion that they are not responsible for the damages that resulted from the exposed construction site; and

WHEREAS, the claimant has asserted damages in the amount of \$286.73 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of ELIZABETH MINNIFIELD, be settled for the sum of \$286.73.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$286.73 be paid by the City of Atlanta to ELIZABETH MINNIFIELD, in satisfaction of any and all claims she may have stemming from damages sustained to her vehicle on or about October 10, 2001, at Simpson Road, NW & Tazor Street, NW, and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the City Attorney be granted the authority to take all necessary action, up to and including the filing of a lawsuit to pursue recovery for the damages caused by the inactions of United Water Services Atlanta.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

Ronda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 16, 2002
SEP 24, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0693

Date: June 28, 2002

Claimant /Victim ELIZABETH MINNIFIELD

BY: (Atty) (Ins. Co.) _____

Address: 190 Arcadia Circle, NW, Atlanta, Georgia 30314

Subrogation: _____ Claim for Property damage: \$ 286.73 Bodily Injury \$ _____

Date of Notice: 10/29/01 Method: Written, Proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/10/01 Place: Simpson Road, NW & Tazor Street, NW

Department _____ Division _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant sustained vehicular damage when she drove over a construction site in the roadway that was left open and in an unsafe manner. An investigation determined that Creative Pipeline, a subcontractor of United Water Services Atlanta, installed a new fire hydrant at the location. However, Creative Pipeline and United Water Services have denied liability for the damages.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others X Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 286.73 Adverse _____ Account charged: 1A01 _____ 2P01 _____ 2J01 X 2H01 _____

Claims Manager: [Signature] Concur/date 08/28/02

Committee Action: _____ Council Action _____

RCS# 3984
9/16/02
2:03 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; except 02-O-1591; 02-O-1592
 02-R-1589; 02-R-1540; 02-R-1542
 ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		09/16/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-1453	43. 02-R-1509	45. 02-R-1502
2. 02-O-1586	44. 02-R-1510	46. 02-R-1503
3. 02-O-1496		47. 02-R-1504
4. 02-O-1389		48. 02-R-1505
5. 02-O-1390		49. 02-R-1506
6. 02-O-0791		50. 02-R-1511
7. 02-O-1258		51. 02-R-1512
8. 02-O-1298		52. 02-R-1513
9. 02-O-1391		53. 02-R-1514
10. 02-O-1395		54. 02-R-1515
11. 02-O-1450		55. 02-R-1516
12. 02-R-1535		56. 02-R-1517
13. 02-R-1541		57. 02-R-1518
14. 02-R-1546		58. 02-R-1519
15. 02-R-1526		59. 02-R-1520
16. 02-R-1527		60. 02-R-1521
17. 02-R-1528		61. 02-R-1522
18. 02-R-1529		62. 02-R-1523
19. 02-R-1530		63. 02-R-1524
20. 02-R-1531		64. 02-R-1525
21. 02-R-1532		
22. 02-R-1560		
23. 02-R-1561		
24. 02-R-1615		
25. 02-R-1563		
26. 02-R-1564		
27. 02-R-1565		
28. 02-R-1566		
29. 02-R-1568		
30. 02-R-1569		
31. 02-R-1570		
32. 02-R-1572		
33. 02-R-1573		
34. 02-R-1574		
35. 02-R-1487		
36. 02-R-1533		
37. 02-R-1557		
38. 02-R-1558		
39. 02-R-1559		
40. 02-R-1616		
41. 02-R-1507		
42. 02-R-1508		

Consent I Vote: 14Yeas; 0 Nays (See RCS #3984)

Items Removed from Consent: 02-O-1591; 02-O-1592; 02-R-1589; 02-O-1540; 02-R-1542

02-R-1529
(Do Not Write Above This Line)

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ADMINISTRATION COMMITTEE

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THE SETTLEMENT OF THE
CLAIM OF ELIZABETH
MINNIFIELD IN THE AMOUNT
OF \$286.73 AGAINST THE CITY
OF ATLANTA

By: Rosalind Rubens Newell
Deputy City Attorney

ADOPTED BY

SEP 16 2002

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

SEP 16 2002

CERTIFIED
SEP 16 2002

MAYOR'S ACTION

MAYOR